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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA,

New York, N.Y.

4 v.

16 Cr. 747 (AKH)

5 ZIMMIAN TABB,

6 Defendant.

7 -----x

8 November 16, 2016
9 11:20 a.m.

10 Before:

11 HON. ALVIN K. HELLERSTEIN,

12 District Judge

13
14 APPEARANCES

15 PREET BHARARA

16 United States Attorney for the
Southern District of New York

17 BY: DAVID W. DENTON, JR.

18 Assistant United States Attorney

19 RICHARD SIGNORELLI

20 Attorney for Defendant

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1 (Case called)

2 MR. DENTON: Good morning, your Honor. David Denton
3 for the government.

4 THE COURT: Good morning.

5 MR. SIGNORELLI: Good morning, Richard Signorelli, and
6 I believe my client, Zimmian Tabb, is being brought out
7 momentarily.

8 Your Honor, for the record I am with my client,
9 Zimmian Tabb. We are ready to proceed with the arraignment.

10 THE COURT: We need to do an arraignment?

11 MR. DENTON: Yes, your Honor.

12 THE COURT: Okay. We will do that now.

13 THE DEPUTY CLERK: You are Zimmian Tabb?

14 THE DEFENDANT: Yes.

15 THE DEPUTY CLERK: Is that your attorney standing next
16 to you?

17 THE DEFENDANT: Yes.

18 THE DEPUTY CLERK: Have you received a copy of the
19 indictment?

20 THE DEFENDANT: Yes.

21 THE DEPUTY CLERK: Do you waive a detailed reading of
22 the indictment?

23 THE DEFENDANT: Yes.

24 THE DEPUTY CLERK: How do you plead?

25 THE DEFENDANT: Not guilty.

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1 THE COURT: A plea of not guilty will be entered for
2 Mr. Tabb. You may be seated, Mr. Tabb.

3 Mr. Signorelli.

4 MR. SIGNORELLI: Yes, your Honor. This is our first
5 appearance on this case, and I have had a discussion with the
6 government about the production of discovery. I have already
7 submitted my discovery demand to the government, and the
8 government has indicated to me that they would like until
9 Friday, December 2, to provide all of the discovery to the
10 defense.

11 THE COURT: What's the nature of the discovery,
12 Mr. Denton.

13 MR. DENTON: Your Honor, it consists largely of audio
14 and video recordings, some 911 calls, some video obtained
15 during a search, and then various reports and lab results of
16 testing.

17 THE COURT: With regard to the conversations, are they
18 in English or in Spanish.

19 MR. DENTON: In English. They are recorded 911
20 calls.

21 THE COURT: What's the size of them?

22 MR. DENTON: They are short recordings, but the file
23 size is large, so it is taking some time to get them burned on
24 to disks.

25 MR. SIGNORELLI: Your Honor, then I will need a

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1 relatively short period of time, perhaps a week or so, at most
2 a week and a half to two weeks, to review thoroughly all of the
3 discovery with my client. I would ask the government to
4 provide a copy of the discovery to the MCC, which I think they
5 do in the normal course. And at that point --

6 THE COURT: Yes, Mr. Denton.

7 MR. DENTON: Your Honor?

8 THE COURT: Yes.

9 MR. DENTON: We don't, in the normal course, provide
10 discovery that's not on hard drives to the MCC. I can talk
11 about whether it's possible to provide a disk with the
12 recordings here, given that it is mostly electronic in nature.

13 THE COURT: Just make a double disk, one for Mr. Tabb
14 and one for Mr. Signorelli.

15 MR. DENTON: Yes, your Honor.

16 MR. SIGNORELLI: And, your Honor, I will require that
17 short period of time to thoroughly review that discovery with
18 my client.

19 THE COURT: How about January 4?

20 MR. SIGNORELLI: I believe the date of January 4 was
21 discussed with your courtroom deputy.

22 THE COURT: Yes. Is that sufficient?

23 MR. SIGNORELLI: It is more than sufficient, and I
24 think even before then I will be in a position to determine
25 what, if any, motions --

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1 THE COURT: This is the ruling. January 4 at 11:00
2 you will be back. At that time, whatever motions you want to
3 make will be declared, along with a briefing schedule. You
4 don't have to bring any motion papers in, but you have to
5 declare your motions, or they will be waived. And depending on
6 what happens on January 4, we will then decide how the case
7 goes forward towards a trial date.

8 Is that satisfactory, folks?

9 MR. SIGNORELLI: Yes, your Honor.

10 MR. DENTON: Yes, your Honor.

11 THE COURT: Motion?

12 MR. DENTON: Yes, your Honor.

13 The government would move to exclude time until the
14 next conference on January 4 to allow the defense time to
15 review discovery and contemplate any possible motions in this
16 matter.

17 THE COURT: Without objection?

18 MR. SIGNORELLI: No objection, your Honor.

19 THE COURT: Thank you.

20 MR. SIGNORELLI: And I would also, if I just may say,
21 this case has a substantial overlap, almost complete overlap
22 with a case that's an earlier case that's currently pending
23 before Judge Gardephe with regard to the new supervised release
24 violation case filed by the government; and, unlike most of the
25 violation cases that I have handled over the years, there is a

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1 substantial overlap. In fact, the same violations in the case
2 before Judge Gardephe -- it's a 2012 docket number, I
3 believe -- are present in this case as well. I just wanted to
4 bring that to your Honor's --

5 THE COURT: What's the volume of crack involved in my
6 case, Mr. Denton?

7 MR. DENTON: Your Honor, I think it is about four
8 grams in total.

9 MR. SIGNORELLI: And that is the same drugs, I
10 believe, that is the basis of the violations before Judge
11 Gardephe. It might make sense for a consolidation of the cases
12 before one judge. I just wanted to alert the court of this
13 circumstance at this point.

14 THE COURT: When are you next appearing before Judge
15 Gardephe?

16 MR. SIGNORELLI: I'm sorry, your Honor?

17 THE COURT: When are you next appearing before Judge
18 Gardephe?

19 MR. SIGNORELLI: I believe it is in December.

20 MR. DENTON: I believe it is January 12, your Honor.

21 MR. SIGNORELLI: It is, and he indicated that if we
22 need to see him earlier, he would be happier to schedule an
23 earlier conference as well.

24 THE COURT: All right. You remind me on January 4,
25 okay?

1 MR. SIGNORELLI: Thank you, Judge.

2 THE COURT: Thank you.

3 MR. DENTON: Thank you, your Honor.

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